

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT DIGIOVANNI,

Plaintiff,
-against-

ORDER
09-CV-5640 (KAM)

State of N.Y. Department of Motor Vehicle;
Chief Administrative Judge TRAUBE;
Administrative Hearing Officer D. HAMSHO;
Administrative Hearing Officer BRIAN LEVINE;
Officer TAMAR USTER,

Defendants.

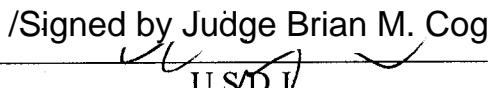
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COGAN, District Judge:

On December 28, 2009, plaintiff Robert DiGiovanni, appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983. He alleges violations of his federal and state rights at a hearing before the New York State Department of Motor Vehicles. At the same time, plaintiff also submitted a proposed order to show cause for preliminary injunction and temporary restraining order seeking the imposition of various procedures to be applied to DMV hearings. Because plaintiff has neither demonstrated a likelihood of success on the merits nor made a showing of immediate or irreparable harm, the Court declines to sign plaintiff's proposed order to show cause. The Court will continue to review plaintiff's complaint pursuant to 28 U.S.C. § 1915.

SO ORDERED.

/Signed by Judge Brian M. Cogan/


U.S.D.J.

Brian M. Cogan
December 28, 2009

Dated: Brooklyn, New York
December 28, 2009

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FILED
CLERK